

REMARKS

The Official Action mailed December 1, 2009 has been carefully considered. Claims 7, 9, 13-17 and 20 are pending in the present application and stand rejected. Claims 7 and 17 have been amended herein. Reconsideration and allowance of the subject application, as amended, are respectfully requested.

Claim Amendments

Claim 7 has been amended to recite that the presence of a distinct outer layer containing only the structuring agent, to a mixture of the structuring agent with polymer material and then only to the polymer material. Support can be found at paragraphs [0027] and [0054] of the published application. No new matter has been entered.

Claim 17 has been similarly amended and also amended to recite that the shell component comprises choline or pyridine to provide charge neutrality. Support for this amendment may be found in paragraph [0040] of the present disclosure which recites that “[i]f desired, for example where the structuring agent is anionic in nature, amino acid residues such as choline and pyridine can be added to provide charge neutrality.” No new matter has been entered.

Applicants address the rejections to the extent that they may be applicable to now amendment independent claims 7 and 17.

Rejections Under 35 USC §103

In the *Office Action* of December 1, 2009, it was noted by the Examiner that although arguments were presented of unexpected properties, due to the feature of having a gradient, etc., the claims did not specify that the exterior layer was devoid of polymer and the inner polymer layer was devoid of structuring agent. *Office Action* at page 6. As can be seen the claims have been amended to recite this characteristic, which is not believed present in the art of record.

Reference is also made to the previous amendment submitted on July 15, 2009, where it was noted that Trexler teaches that the platelets are extrusion compounded into the polyester, and even if one used the Trexler formulation in Brain, one would not arrive at the gradient for the structuring agent as claimed.

In addition, claim 17 has been further amended to recite the use of choline or pyridine to provide charge neutrality. Such compositional features are also not believed present in the art of record.

Accordingly, it is respectfully submits that independent claims 7 and 17 define over the cited references and Applicants request that the rejection be withdrawn.

Having dealt with all the objections raised by the Examiner, it is respectfully submitted that the present application, as amended, is in condition for allowance. Thus, early allowance is earnestly solicited.

If the Examiner desires personal contact for further disposition of this case, the Examiner is invited to call the undersigned Attorney at 603.668.6560.

In the event there are any fees due, please charge them to our Deposit Account No. 50-2121.

Respectfully submitted,

By: /Steven J. Grossman/
Steven J. Grossman, Ph.D.
Reg. No. 35,001

Dated: May 3, 2010